

### **REMARKS**

Claims 1, 3-6, 9-12, 14-19, and 21-24 were previously pending, of which claim 23 has been canceled, claims 1, 5, 6, 9, and 21 have been amended. Reconsideration of presently pending claims 1, 3-6, 9-12, 14-19, 21-22, and 24 is respectfully requested in light of the above amendments and the following remarks.

#### **Rejections Under 35 U.S.C. §103**

Claims 1, 3-6, 9-12, 14-19, and 23 were rejected under 35 U.S.C. §103 as being unpatentable over Yang, et al. (US 2003/0233290 hereinafter referred to as “Yang”) in view of Hagen et al (US Patent No. 6,748,287 hereinafter referred to as “Hagen”). Claims 21, 22, and 24 were rejected under 35 U.S.C. 103 as unpatentable over Yang in view of Hagen in further view of Arackaparambil et al (US 2002/0156548 hereinafter “Arackapambil”).

Applicants traverse this rejection on the grounds that these references are defective in establishing a *prima facie* case of obviousness with respect to claims 1, 3-6, 9-12, 14-19, 21-22, and 24.

In *KSR Int'l. Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1739 (2007), the Court stated that “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. Although common sense directs one to look with care at a patent application that claims as innovation the combination of two known devices according to their established functions, it can be important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. This is so because inventions in most, if not all, instances rely upon building blocks long since uncovered, and claimed discoveries almost of necessity will be combinations of what, in some sense, is already known.” *Id.* at 1741 (emphasis added).

As the PTO recognizes in MPEP §2142:

... The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness...

In the present application, a *prima facie* case of obviousness does not exist for the claims as herein amended for the reasons set forth below.

**1. *The Examiner has not shown that all words in the claim have been considered***

MPEP 2143.03 states that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” Quoting *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). However, in the present matter, the Examiner has not shown that all words in the claim have been considered. For example, claim 1 recites, in part: “assigning a predetermined event element to the semiconductor-related product at the secondary provider, wherein the predetermined event element is a product-specific process parameter.”

The Examiner has not shown how Yang in view of Hagen provide for an event element that is a product-specific process parameter. The Examiner states that Yang does not disclose “assigning a predetermined event element to the semiconductor-related product at the secondary provide, wherein the predetermined event element includes a product-specific process parameter.” Office action dated May 12, 2009 at pg. 3. Instead, the Examiner appears to assert that Hagen provides the relevant functionality. The Applicants respectfully disagree.

The Applicants first note that inspection of the Examiner’s remarks following those that Yang does not provide an event element that is a product specific process parameter, provide no instance of the Examiner asserting Hagen or a portion of Hagen provides this functionality. Therefore, the Examiner has failed to provide a *prima facie* case of obviousness.

As the Examiner recognizes, Hagen describes “tasks” that are performed at multiple vendors. However, as described below, Hagen does not describe a product specific process parameter that is assigned by a computer system associated with a primary provider, to a product at a secondary-provider.

The cited portions of Hagen describe “the term task is used to refer to the entire process performed by one vendor before handing off to the next vendor...Each task performed by the supply chain vendors may be a combination of multiple steps.” col. 5, lns. 39-41, 54-55. Hagen further describes that the tasks may include steps. *See* Fig. 1; col. 5, lns. 55-57. However, Hagen does not provide any indication of a product specific process parameter, for example, as

would be used in a recipe to perform any one of the steps. Furthermore, the claims (including claim 1) do not simply require the presence of a product specific process parameter in a manufacturing process. The claims recite specific actions relating to the product specific process parameter. In the case of claim 1, there is no indication in Hagen, or Yang, alone or in combination, of a computer system associated with a primary provider assigning an event element of a product-specific process parameter at a secondary provider.

Hagen, similar to Yang, is directed to visibility into the manufacturing process as it relates to movement of material – or a method or system of work in process (WIP) communication. Hagen also describes it as such. *See, e.g.*, col. 6, lns. 55-56. The Examiner further recognizes the disclosure of a WIP database. Office action of May 12, 2009 at pg. 4. However, simply disclosing a WIP system does not read upon the claimed product specific process parameter. WIP as described by Hagen, and understood in the art, deals with the volume of product, the timing of delivery or movement of product, and the like. *See* FIG. 2A-D. However, there is no indication in the cited portions of Hagen, including though describing WIP, of a product-specific process parameter.

Claim 6, as amended, recites (in part):

assigning event elements to the product, wherein the event elements include a plurality of process steps performed by the secondary provider wherein the event elements are stored in a memory unit, and wherein the assigning event elements to the product includes the secondary provider defining a first event element using a first computer system associated with the secondary provider and the primary provider modifying the first event element using a second computer system associated with the primary provider, wherein the first event element is a product-specific process parameter;

transmitting information ... include[ing] the primary provider transmitting a second event element to the secondary provider based on the received information, wherein the second event element is a product-specific process parameter of a process performed by the secondary provider...

The Examiner has not shown how Yang or Hagen, alone or in combination provide for an event element of a product specific process parameter, similar to as described above with reference to claim 1. In addition, claim 6 recites not only the secondary provide defining the product-specific process parameter, but the primary provider modifying it. The Examiner also has not shown how this limitation (included in the claim as amended) is provided. Further still,

the Examiner has not shown the primary provider transmitting a second event element to the secondary provider based on the received information, wherein the second event element is a product-specific process parameter of a process performed by the secondary provider.

Claim 21 stands rejected over Yang in view of Hagen and in further view of Arackaparambil. Claim 21, as amended, recites a limitation directed to “instructions for assigning a plurality of event elements for tracking the product through the plurality of entities of the virtual fab, wherein a plurality of event elements are provided for each of the plurality of entities of the virtual fab, and wherein the plurality of event elements include at least one process-specific product parameter.” The Examiner has not shown how the combination of Yang, Hagen, and Arackaparambil provide the relevant functionality including the claimed process-specific product parameter.

Thus, for these independent reasons alone, the Examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

**2. *The Examiner has not shown how the elements being combined are performing their known or established function***

*KSR* teaches that when combining elements from different references, it is important to determine whether the element is performing “the same function it had been known to perform.” *KSR* at 1740. It is clear that the tasks of Hagen should not be combined with the system of Yang in the manner proposed by the Examiner because the known function of the “tasks” is changed. More particularly, the Examiner appears to equate the disclosure of tasks, or their component steps, with a product specific process parameter. However, the WIP database and tracking system cited the Examiner does not provide process parameters for these steps, nor does it include the claimed elements regarding assignment, communication, modification, or the like of product specific process parameters.

Thus, since this modification the Hagen patent clearly destroys the purpose or function of the invention disclosed in the patent (e.g., providing WIP status updates), one of ordinary skill in the art would not have found a reason to make the claimed modification.

Thus, for this reason alone, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

**Dependent Claims**

Claims 3-5, 9-12, 14-19, 22, and 24 depend from and further limit claims 1, 6, and 21 and are allowable for at least this reason.

**CONCLUSION**

An early formal notice of allowance of claims 1, 3-6, 9-12, 14-19, 21-22, and 24 is requested. A personal or telephonic interview is respectfully requested to discuss any remaining issues in an effort to expedite the allowance of this application.

Respectfully submitted,



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